

UNITED STATES DISTRICT COURT

FILED  
CHARLOTTE, NC

for the

MAY 06 2025

Western District of North Carolina

Charlotte Division

US DISTRICT COURT  
WESTERN DISTRICT OF NC

Daven Leon Fethererson

Plaintiff(s)

PRO SE

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Charlotte, Charlotte Mecklenburg Police Department, Officer, Robert C, Officer, Decker, JR, Spencer B Merriweather, III, Maria F. Caino

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

3:25-cv-307-FDW  
(to be filled in by the Clerk's Office)

False Imprisonment

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Daven Leon Fethererson Pro Se

All other names by which  
you have been known:

"Twin"

ID Number

OPUS# 058249

Current Institution

Central Prison

Address

1300 Western Blvd

Raleigh,

NC

27606

City

State

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

City of Charlotte

Job or Title (*if known*)

Queen City

Shield Number

Employer

Civil Service Commission

Address

600 E. Fourth Street

Charlotte

NC

28202

City

State

Zip Code

☒ Individual capacity

☒ Official capacity

Defendant No. 2

Name

Charlotte Mecklenburg Police Department

Job or Title (*if known*)

Police Department

Shield Number

Employer

Law Enforcement(s)

Address

601 E. Trade Street

Charlotte

NC

28202

City

State

Zip Code

☒ Individual capacity

☒ Official capacity

## Defendant No. 3

Name

C. Roberts

Job or Title (if known)

Police Officer

Shield Number

Employer

Charlotte Mecklenburg Police Department

Address

601 E. Trade Street

Charlotte

NC

28202

City

State

Zip Code

☒ Individual capacity☒ Official capacity

## Defendant No. 4

Name

J.R. Decker

Job or Title (if known)

Police Officer

Shield Number

P5163

Employer

Charlotte Mecklenburg Police Department

Address

601 E. Trade Street

Charlotte

N.C.

28202

City

State

Zip Code

☒ Individual capacity☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 13<sup>th</sup>, and 14<sup>th</sup> Amendment of the Federal Constitution, and Article 1 § 17, 18, 19, 23, and 27 of North Carolina Constitution.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

SEE [ Attachment ]

## II. Basis for Jurisdiction

D.

(Defendant No. 1) has violated the Plaintiff 4<sup>th</sup> and 14<sup>th</sup> Amendment right of the Federal Constitution guaranteed to oneself against illegal-searches-and-seizures which the Plaintiff arrest on June 1, 2021 in the City of Charlotte, that employ the law enforcement officers authority to arrest Plaintiff was unconstitutional, and enforced under color of State Law that lead to the Plaintiff false imprisonment.

(Defendant No. 2) has violated the Plaintiff 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendment right of the Federal Constitution guaranteed to oneself which the defendant hire the arresting officers who made the unlawful arrest of Plaintiff on June 1, 2021 and enforced under color of State Law that lead to the Plaintiff false imprisonment. Plaintiff was never picked out in a photo lineup identification procedure.

(Defendant No. 3) has violated the Plaintiff 4<sup>th</sup> and 14<sup>th</sup> Amendment right of the Federal Constitution guaranteed to oneself. Defendant filed perjured information on affidavit to obtain warrant arrest to arrest Plaintiff on June 1, 2021. Accusing Plaintiff of being a convicted "Firearm by Felon", when all the while, Plaintiff felony convictions was expunged under Federal Law in the year "2019" by, Ms. Bonnie Price, Federal Probation Officer of Western District of North Carolina, Charlotte Division, after three years completion federal probation for an 922(g). Defendant arrested Plaintiff under color of State Law that lead to Plaintiff false imprisonment.

See [Attachment] Defendant(s)

B. The Defendant(s)

Defendant No. 5

SPENCER B. MERRIWEATHER, III

PROSECUTOR

BAR I.D. # 36247

District Attorney

700 E. Trade Street

Charlotte, NC 28202

☒ Individual capacity ☒ Official capacity

Defendant No. 6

MARIA F. CAINO

PROSECUTOR

BAR I.D. # 42724

Assistant District Attorney

700 E. Trade St

Charlotte, NC 28202

☒ Individual capacity ☒ Official capacity

see [Attachment] Basis for Jurisdiction

(Defendant No. 6) Plaintiff was deprived of federal rights by the Defendant, (deprivation of rights under color of law), and equal <sup>DLE</sup> ~~DLF~~ protection of rights guaranteed by the Federal Constitution.

This breach of duty is not only a showing of bad faith by the Defendant, but can easily provide motive of Defendant actions to overthrow the form of government, by continuously disobeying the anti-advocacy provision of the constitutional oath of office.

Defendant has violated oath of office to take advantage, position of trust to hurt Plaintiff who is confined at Raleigh, North Carolina, Central Prison under false imprisonment, deprived of liberty without due process of law guaranteed to oneself by the 14<sup>th</sup> Amendment of the Federal Constitution.

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☒ Other (*explain*) Safe Keeper from Mecklenburg County

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
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- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.
-

SEE [Attachment]

#### IV. Statement of Claim

A.

(Claim No. 1)

On June 1, 2021 in the City of Charlotte, North Carolina, at 6:10 pm Plaintiff was arrested by Charlotte Mecklenburg Police Department on Sunset Rd near intersection of Beatties Ford Rd on alleged outstanding warrants which Plaintiff "Miranda Rights" was never read by law enforcement officers which can clearly be seen on the officers body cam. Also the money that was taken off Plaintiff was never counted in front of him which was \$3,500. Police officers claims after arrest that the dollar amount was \$1,800. Plaintiff arrest was basic off an hunch of an anonymous "prank call" in that no probable cause existed for the Plaintiff arrest. Plaintiff was never picked out in a photo lineup identification procedure of a crime. Whom ever the prankster is who target Plaintiff with false information of a shooting I don't know nothing about allegedly disguised their phone number as mine which Charlotte Mecklenburg Police Department use cellphones company records to locate Plaintiff to make the hastily unlawful arrest. Which 4<sup>th</sup> and 14<sup>th</sup> Amendment provides protection to peoples privacy interest in this information as well.

see [Attachment] Statement of Claim

B.

(Claim No. 2) Plaintiff enter Mecklenburg County Jail Central with arresting officers, C. Roberts, who issue the warrants, and officer, J.R. Decker, on June 1, 2021. When Plaintiff was called inside the booth by magistrate, Felicia H. Wilson, by intercom, Plaintiff saw, Charlotte Mecklenburg Police Officer, C. Roberts, standing inside the booth with the magistrate which Plaintiff truly believe that the perjure information was give to the magistrate then that the Plaintiff was an convicted "Firearm by Felon" to get Plaintiff into custody illegally in that no probable cause existed for Plaintiff arrest. When all the while, Plaintiff felony convictions was expunged in "2019" under federal law.

(Claim No. 3) On October 8, 2021 after (A)M court, courtroom 5310, prosecutor, Maria F. Caino, and Superior Court Judge presiding order (Major), Zaneika Parker, and 7 or 8 detention officers to take discovery away from Plaintiff. Plaintiff learned that discovery was to charge, Felony Conspiracy, that was pending under inactive status after probable cause hearing. Plaintiff was charged with, Felony Conspiracy, June 23, 2021 while in custody. Discovery being forcefully taken from Plaintiff was capture on jail pod camera's in pod 3630 Mecklenburg County Jail Central. Actual discovery to charges of Plaintiff arrest has been withhold through out the case by, Maria F. Caino, who falsified a State witness to keep discovery away from Plaintiff. There's ~~no~~<sup>DLF</sup> (N)O proof of this State witness, or forensic's of crime that Plaintiff allegedly had committed on June 1, 2021.

SEE [Attachment] Statement of Claim

B.

(Claim No. 4) On January 20, 2022 Plaintiff was transferred from Jail Central Mecklenburg County to Raleigh, North Carolina to be placed in safe keeping at Central Prison under a false intimidation witness claim to detain and keep Plaintiff under false imprisonment, deprived of liberty without due process of law. False imprisonment is obviously noticeable, and in "bad faith" of both district attorneys, Spencer B. Merriweather III, and Maria F. Caino, that set outrageous gaps between each court date Plaintiff attended court while being here at Central Prison under safe keeper status as a (Pro Se). Outrageous gaps between court dates, April 25, 2022 to court date April 8, 2024, jury trial date set December 26, 2024. Which after the jury trial date passed, Plaintiff case was not showing up on Mecklenburg County Superior Court- Court Docket until mid February "2025," which another jury trial date was set again December 26, 2025 knowing ain't no courts in the U.S. open day after "Christmas Day" is proof of false imprisonment. Plaintiff also wrote a letter to the N.C. State Bureau of Investigation on September 25, 2022 asking for discovery of the pending charges Plaintiff was arrested for on June 1, 2021. Response back dated September 29, 2022 by, Angel E. Gary, General Counsel was that she was unable to locate an investigative file indexed under my name, Daven Leon Fethererson, in the S.B.I.'s database. Plaintiff was falsely arrested and now detained under false imprisonment at the Central Prison of Raleigh, N.C. Plaintiff electronic case files ~~has~~<sup>WLF</sup> has been ~~altered~~ altered.

- C. What date and approximate time did the events giving rise to your claim(s) occur? False Arrest happen at 6:10 pm by CMPD on June 1, 2021. Plaintiff enter jail with arresting officers around 6:50pm or 7:10pm on June 1, 2021. Discovery taken away from Plaintiff around 12:30 or 1pm on October 8, 2021. Plaintiff transferred to Central Prison around 12noon or 1pm from Jail Central Mecklenburg County on January 20, 2022.
- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?) Falsely arrested for a crime I did not commit by the City of Charlotte Meck. Police. Department. Taser gun was pulled out on plaintiff when discovery was being forcefully taken away which other inmates inside their cell heard the physical altercation between me and jail officers which the jail pod camera's capture the whole incident in pod 3630 Jail Central. False imprisonment, whole unit-2 of Central Prison knows about my situation trying to get back to court to be heard on pending charges.

#### V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

No physical injuries, just emotional damages

#### VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff is Requesting for dollar amount of \$6,000,000 for punitive damage he endured while incarcerated for a crime he did not commit, and was falsely arrested in that no probable cause existed. Compensated for abuse of process, mental anguish, pain and suffering, anxiety which Plaintiff has Hypertension 2 high blood pressure and is now taking 2 HBP medications instead of one. Intentional infliction of emotional distress of being denied "Open Court" to be heard on pending charges to try and get him out of prison which the police knew their arrest wasn't justified but still arrested me. Rather pretrial motions be granted or denied. Plaintiff feel under 1983 he is entitled to \$6,000,000 for punitive damage, unlawfully detained without due process of law for 3 years and 10 months now which June 1, 2025 will make 4 years.

## VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes  
☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Jail Central Mecklenburg County and Central Prison, Raleigh, N.C.

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes  
☐ No  
☒ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes  
☒ No  
☐ Do not know

If yes, which claim(s)?

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D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

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2. What did you claim in your grievance?

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3. What was the result, if any?

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4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: Because my complaint is against the City of Charlotte, C.M.P.D., and two District Attorney, and police officers.
2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

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*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

- ☐ Yes
- ☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04 / 08 / 2025

Signature of Plaintiff

Daven Leon Fetherson

Printed Name of Plaintiff

Daven Leon Fetherson

Prison Identification #

0582492

Prison Address

1300 Western Blvd

Raleigh  
City

NC  
State

27606  
Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Telephone Number

E-mail Address